IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.803 of 2008
JYOTISH KUMAR BHAGAT VS STATE & ORS.
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2 15.12.2008. Heard learned counsel for the parties.

In the instant writ petition, the petitioner prays for commanding respondents to allow him to complete work of the concerned project allotted to him by order of the BEO, Balrampur and the Executive Engineer, NREP Katihar. The petitioner had earlier moved this court for quashing investigation of Balrampur Police Station case no. 52 of 2007 dated 14.11.2007 registered for offences under sections 409 and 120B of the I.P.C. In the aforesaid writ petition, the petitioner then had expressed his willingness to complete the work also entrusted to him. This Court vide order dated 23.4.2008 observed that the petitioner may appear before the investigating agency and account for money and represent the authorities regarding his willingness to complete any remaining work. It appears from annexure 5, the District Magistrate did not accept his representation as he was already put under suspension in the month of January, 2008 much prior to the passing of this order.

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The State counsel has filed counter affidavit stating therein that petitioner has misappropriated money and as he was suspended he was not allowed to complete the work. He further stated that the petitioner has been removed from service also.

On the other hand, learned counsel for petitioner submits that his removal does not put any bar in giving him an opportunity to complete the remaining work, as he was appointed at the relevant time as an executing agent pursuant to a contract.

Having heard the parties, this Court is not willing to give any positive direction. It will be open to pursue any other remedy before an appropriate forum.

The writ petition stands disposed of accordingly.

Shashi. **(S.P.Singh,J)**